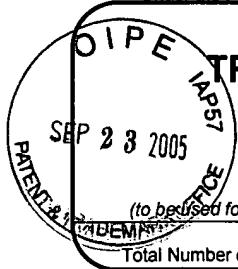


1641
PTO/SB/21 (09-04)Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

	Application Number	10/516,629
	Filing Date	December 1, 2004
	First Named Inventor	Detlef Muller-Schulte
	Art Unit	1641
	Examiner Name	Unsu Jung
7	Attorney Docket Number	RO0940US (#90568)

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): return postcard receipt
<input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> Remarks
<input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	D. Peter Hochberg Co., L.P.A.		
Signature			
Printed name	D. Peter Hochberg		
Date	September 21, 2005	Reg. No.	24,603

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Sean Mellino	Date	Sept. 21, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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SEP 2 3 2005

IAP57

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 0.00)

Complete if Known

Application Number	10/516,629
Filing Date	December 1, 2004
First Named Inventor	Detlef Muller-Schulte
Examiner Name	Unsu Jung
Art Unit	1641
Attorney Docket No.	RO0940US (#90568)

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____

Deposit Account Deposit Account Number: 08-2441 Deposit Account Name: D. Peter Hochberg Co., L.P.A.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES	
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity
Utility	300	150	500	250	200	100
Design	200	100	100	50	130	65
Plant	200	100	300	150	160	80
Reissue	300	150	500	250	600	300
Provisional	200	100	0	0	0	0

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Small Entity	Fee (\$)	Fee (\$)
- 20 or HP =	x	=		50	25	
HP = highest number of total claims paid for, if greater than 20.				200	100	
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	360	180	
- 3 or HP =	x	=				

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x 125.00	=	0.00

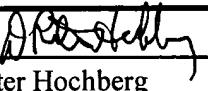
4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): _____

Fees Paid (\$)

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	24,603	Telephone	216-771-3800
Name (Print/Type)	D. Peter Hochberg			Date	September 21, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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CERTIFICATE OF MAILING
I hereby certify that this document is being deposited with the United States Postal Service as First Class mail in an envelope addressed: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date noted below:

Date: September 21, 2005


Sean Mellino

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Detlef Müller-Schulte
Serial No. : 10/516,629 (Conf. No. 4567)
Filing Date : December 1, 2004
Examiner : Unsu Jung
Group Art Unit : 1641
Title : THERMOSENSITIVE POLYMER CARRIER
WITH CHANGEABLE PHYSICAL STRUCTURE
FOR BIOCHEMICAL ANALYSIS, DIAGNOSTICS
AND THERAPY
Attorney File : RO0940US (#90568)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Reply to Office Action Issued August 23, 2005

Dear Sir:

Claims 1-65 are pending in the instant application. The Examiner has concluded that restriction to one of the following five groups is necessary:

- I. Claims 1-24, drawn to thermosensitive polymers containing at least one of magnetic or metallic colloids.

- II. Claims 25-45 and 48-62, drawn to a process for the production of thermosensitive polymers.
- III. Claims 43, 46, 63 and 64, drawn to a process for the release of active agents from active-agent containing particles of thermosensitive polymers using a magnetic alternating field for magnetic induction.
- IV. Claims 44 and 47, drawn to a process for changing a physical structure of thermosensitive polymers.
- V. Claim 65, drawn to a use of thermosensitive polymers as a contrast-intensifying media in NMR diagnostics.

The Examiner is requiring that the applicant elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant respectfully objects to the conclusion of the Examiner, with traverse. It is the applicant's opinion that all the groups include a single inventive idea. More particularly, independent claim 1 recites a thermosensitive polymer containing at least one magnetic or metallic colloid, independent claim 25 recites a process for the production of thermosensitive polymers in accordance with claim 1 and independent claim 26 recites a process for the production of thermosensitive polymers according to claim 1 and comprising a variety of steps. Independent claim 43 recites a process for the release of active agents from active agent-containing particles of thermosensitive polymers according to claim 1 or produced by a process according to claim 25, independent claim 44 relates to a process for changing the physical structure of

thermosensitive polymers involving introducing into a magnetic alternating field, and independent claim 45 is directed to the use of thermosensitive polymers containing colloids according to claim 1 or produced by a process in a variety of ways according to claim 25. Lastly, independent claim 63 refers to a process for the release of active agents from active-agent containing particles according to claim 1 or having been produced by a process according to claim 25 and independent claim 65 recites the use of thermosensitive polymers containing at least one magnetic or metallic colloid according to claim 1 or produced by a process according to claim 25. Each of the claims includes the single inventive idea of the thermosensitive polymers containing at least one magnetic or metallic colloids according to claim 1 or the process for the production of thermosensitive polymers according to claim 1, as set forth in claim 25.

However, the applicant wishes to elect Group II for prosecution on the merits. According to the Examiner, claims 25-45 and 48-62 are readable thereon. Prosecution on the merits thereof is respectfully requested.

The Examiner is invited to call the undersigned if there are any remaining issues to be discussed which could expedite the prosecution of the present application.

Respectfully submitted,

Date: September 21, 2005

By: D. Peter Hochberg
D. Peter Hochberg
Reg. No. 24,603

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